

**BOARD RESOLUTION ADOPTING THE COMPLIANCE REVIEW REPORT AND
FINDINGS BY THE SPB COMPLIANCE REVIEW UNIT OF
THE CALIFORNIA DEPARTMENT OF REHABILITATION**

WHEREAS, the State Personnel Board (SPB or Board) at its duly noticed meeting of March 3, 2014, carefully reviewed and considered the attached Compliance Review Report of the California Department of Rehabilitation submitted by SPB's Compliance Review Unit.

WHEREAS, the Report was prepared following a baseline review of the California Department of Rehabilitation personnel practices. It details the background, scope, and methodology of the review, and the findings and recommendations.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the Report, including all findings and recommendations contained therein. A true copy of the Report shall be attached to this Board Resolution and the adoption of the Board Resolution shall be reflected in the record of the meeting and the Board's minutes.


SUZANNE M. AMBROSE
Executive Officer

COMPLIANCE REVIEW REPORT CALIFORNIA DEPARTMENT OF REHABILITATION FINDINGS AND RECOMMENDATIONS MARCH 3, 2014

Examinations

During the period of review, from May 1, 2011 through October 31, 2012, the California Department of Rehabilitation (DOR) conducted a total of 21 examinations. Nineteen were for non-CEA classifications, and two were for CEA classifications. The SPB reviewed eight of these examinations, which are listed below:

Classification Title	Examination Type	Examination Component(s)	No. of Eligibles
Accounting Administrator I (Supervisor)	Promotional	Education and Experience (E&E) ¹	5
CEA II, Assistant Deputy Director, Collaborative Services, Workforce Development and Social Security	Supplemental	Statement of Qualifications (SOQ) ²	2
CEA III, Deputy Director, Vocational Rehabilitation Policy and Resources Division	Supplemental	SOQ	7
Rehabilitation Administrator II	Promotional	Qualifications Appraisal Panel (QAP) ³	30
Senior Vocational Rehabilitation Counselor QRP	Open	Training and Experience ⁴	635

¹ In an Education and Experience (E&E) examination, one or more raters scores and ranks applicants based upon the applicant's Standard 678 application form. The raters use a predetermined rating scale that includes years of relevant higher education, professional licenses or certifications, and/or years of relevant work experience.

² In a Statement of Qualifications (SOQ) examination, applicants submit a written summary of their qualifications and experience related to a published list of Desired Qualifications. Raters, typically subject matter experts, evaluate the responses according to a predetermined rating scale designed to assess their ability to perform in a job classification, assign scores and rank the competitors in a list.

³ The qualification appraisal panel (QAP) interview is the oral component of an examination whereby competitors appear before a panel of two or more evaluators. Candidates are rated and ranked against one another based on an assessment of their ability to perform in a job classification.

Supervising Program Technician II	Promotional	Supplemental	56
Support Services Assistant (Interpreter)	Open	QAP	30
Teacher, OCB Typing and Braille	Open	E&E	5

FINDING NO. 1 – DOR Properly Complied with Civil Service Laws and Board Rules for All Examinations That Were Conducted During the Compliance Review Period

Examinations to establish an eligible list must be competitive and of such character as fairly to test and determine the qualifications, fitness, and ability of competitors to perform the duties of the class of position for which he or she seeks appointment. (Gov. Code, § 18930.) Examinations may be assembled or unassembled, written or oral, or in the form of a demonstration of skills, or any combination of those tests. (*Ibid.*) The Board establishes minimum qualifications for determining the fitness and qualifications of employees for each class of position and for applicants for examinations. (Gov. Code, § 18931.) Every applicant for examination shall file a formal signed application in the office of the department or a designated appointing power within a reasonable length of time before the date of examination. (Gov. Code, § 18934.) Generally, the final earned rating of each person competing in any examination is to be determined by the weighted average of the earned ratings on all phases of the examination. (Gov. Code, § 18936.) Each competitor shall be notified in writing of the results of the examination when the employment list resulting from the examination is established. (Gov. Code, § 18938.5.)

For all eight of the examinations, DOR published and distributed examination bulletins prior to the final filing date of the examination. Each bulletin contained the required information. DOR received and only accepted State applications (STD. 678) that were signed by the applicants. DOR properly determined whether each applicant met the minimum qualifications (MQs) for admittance to the examination. DOR notified applicants as to whether they qualified to take the examination. Those applicants who met the MQs were also notified about the next phase of the examination process.

⁴ The Training and Experience (T&E) examination is administered either online or in writing, and asks the applicant to answer multiple-choice questions about his or her level of training and/or experience performing certain tasks typically performed by those in this classification. Responses yield point values, which are totaled by the online system or a department exam analyst, and then assigned a percentage score.

After all phases of the examinations were completed, DOR computed the score of each competitor and established a list of eligible candidates. The examination results listed the names of all successful competitors arranged in order of the score received by rank. DOR notified the competitors in writing of their final scores.

The SPB found no deficiencies in the reviewed examinations. Accordingly, DOR fulfilled its responsibilities to administer those examinations in compliance with civil service laws and Board rules.

Appointments

During the compliance review period, DOR made a total of 720 appointments. The SPB reviewed 74 of those appointments, which are listed below:

Classification	Appointment Type	Tenure & Time Base	No. of Appointments
Staff Services Manager II (Supervisor)	List	Permanent/FT	9
Accounting Officer (Supervisor)	List	Permanent/FT	3
Supervising Program Technician II	List	Permanent/FT	3
Senior Programmer Analyst (Specialist)	List	Permanent/FT	6
Rehabilitation Administrator II	List	Permanent/FT	4
Rehabilitation Supervisor	List	Permanent/FT	14
Support Services Assistant (Interpreter)	List	Permanent/FT	2
Community Resources Dev Specialist	List	Permanent/FT	5
Staff Services Analyst (General)	Transfer	Permanent/FT	7
Staff Services Management Auditor	Transfer	Permanent/FT	1
Staff Services Manager I (Supervisor)	Transfer	Permanent/FT	1
Associate Governmental Prog/Analyst	Transfer	Permanent/FT	1
Research Analyst II (General)	Transfer	Permanent/FT	1
Office Technician (Typing)	Transfer	Permanent/FT	3
Accountant I (Specialist)	Transfer	Permanent/FT	1
Senior Vocational Rehabilitation Counselor, QRP	Transfer	Permanent/FT	1
Rehabilitation Administrator I (Specialist)	Mandatory Reinstatement	Permanent/FT	1
Business Service Officer II (Supervisor)	Mandatory Reinstatement	Permanent/FT	1
Expert Examiner	Permissive Reinstatement	Permanent/FT	1
Vocational Psychologist	Permissive Reinstatement	Permanent/FT	1

Staff Services Manager II (Supervisor)	Limited Term	Temporary/FT	1
Support Services Assistant (Interpreter)	Intermittent	Temporary/PT	4
Senior Personnel Specialist	Compelling Management Need	Temporary/FT	1
Support Services Assistant (General)	Compelling Management Need	Temporary/FT	1
Counselor, Orientation Center for the Blind	TAU	Temporary/PT	1

FINDING NO. 2 – DOR Did Not Separate Equal Employment Opportunity (EEO) Forms from Applications

In 22 out of 61 of the applications, the EEO forms were not separated from the STD 678 employment application(s).

California Code of Regulations, title 2, § 12940 states in pertinent part:

It is an unlawful employment practice...(a) For an employer, because of the race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, to refuse to hire or employ the person...

In addition, STD 678, page five ("Equal Employment Opportunity") states "This questionnaire will be separated from the application prior to the examination and will not be used in any employment decisions."

Therefore, it is recommended that within 60 days of the Board's Resolution adopting these findings and recommendations DOR submit to the Board a written corrective action plan that addresses the corrections the department will implement to ensure conformity with the requirements of California Code of Regulations, title 2, § 12940 in future appointments.

Equal Employment Opportunity (EEO)

The SPB reviewed DOR's EEO policies, procedures, and programs that were in effect during the compliance review period. In addition, the SPB interviewed appropriate DOR staff.

FINDING NO. 3 - DOR's EEO Program Complied with Civil Service Laws and Board Rules

The appointing power for each state agency has the major responsibility for monitoring the effectiveness of its EEO program. (Gov. Code, § 19794.) To that end, the appointing power must issue a policy statement committed to equal employment opportunity; issue procedures for filing, processing, and resolving discrimination complaints; issue procedures for providing equal upward mobility and promotional opportunities; and cooperate with CalHR by providing access to all required files, documents and data. (*Ibid.*) In addition, the appointing power must appoint, at the managerial level, an EEO officer, who shall report directly to, and be under the supervision of, the director of the department to develop, implement, coordinate, and monitor the department's EEO program. (Gov. Code, § 19795, subd. (a).)

Further, each state agency shall establish a separate committee of employees who are individuals with a disability, or who have an interest in disability issues, to advise the head of the agency on issues of concern to employees with disabilities. (*Ibid.*) The department must invite all employees to serve on the committee and take appropriate steps to ensure that the final committee is comprised of members who have disabilities or who have an interest in disability issues. (Gov. Code, § 19795, subd. (b)(2).)

DOR's EEO policies, procedures, and programs that were in effect during the compliance review period provide employees with guidance on the EEO process, including instructions on how to file discrimination claims. The EEO policy also outlines the roles and responsibilities of the EEO Officer, as well as supervisors and managers. The EEO officer reports directly to the director of DOR. DOR provided evidence showing its efforts to promote equal employment opportunity in its hiring and employment practices, to increase its hiring of disabled persons, and to offer upward mobility opportunities for its entry-level staff. With documentation that 25.4% of its staff is disabled, has significantly exceeded the state's disabled employee hiring parity of 16.6%. During the period reviewed, DOR hired three employees into upward mobility classifications, exceeding its goal of one upward mobility hire.

In addition, DOR has an established Disability Advisory Committee (DAC), with 11 members who represent districts and divisions throughout the state. Such topics as recognition for managers who hire LEAP candidates and disability awareness training were on the DAC's meeting agendas.

Accordingly, DOR's EEO program complied with civil service laws and Board rules. DOR's DAC is model program for other departments to follow.

DEPARTMENTAL RESPONSE

"Within 60 days of the Board's Resolution adopting the attached findings and recommendations, the Department will submit to the Board a written plan that addresses the corrections it will implement to ensure conformity with the requirements of California Code of Regulations, title 2, § 12940 in future appointments."

SPB REPLY

Regarding Finding No. 2, DOR agrees to correct the stated deficiency and prepare a corrective action plan. It is thus recommended that within 60 days of the Board's Resolution adopting these findings and recommendations DOR submit to the Board a written compliance plan that addresses the actions and procedures DOR has implemented and/or will implement to ensure that it is in conformity with California Code of Regulations, title 2, § 12940. Copies of any relevant documents should also be attached to the compliance plan.

The SPB appreciates the professionalism and cooperation of DOR during the compliance review.